

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEFFERSON-PILOT LIFE INSURANCE COMPANY,	:	Case No. C-1-02-479
	:	
Plaintiff,	:	(Judge Spiegel) (Magistrate Judge Hogan)
vs.	:	
CHRISTOPHER L. KEARNEY,	:	<b><u>PLAINTIFF'S REPLY</u></b> <b><u>MEMORANDUM IN SUPPORT OF</u></b> <b><u>ITS MOTION FOR ORAL</u></b> <b><u>ARGUMENT OR ALTERNATIVE</u></b> <b><u>LEAVE TO FILE A REPLY BRIEF</u></b>
Defendant.	:	

Plaintiff has requested no more than basic fairness in the opportunity to present its own Motion for Summary Judgment. The Court agreed to the filing of simultaneous briefs in lieu of an additional argument date. Defendant read Plaintiff's brief before filing his own and responded to those arguments. Plaintiff asks for an equal opportunity to respond to what it believes to be misstatements, unsupported factual assertions, incomplete and misleading citations to the contract and assertions directly contrary to the cited testimony contained in the defendant's response brief. It is in the spirit of fairness and a level playing field that Plaintiff makes this request.

Respectfully submitted,

OF COUNSEL:  
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s/William R. Ellis  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 27<sup>th</sup> day of August, 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ William R. Ellis

William R. Ellis  
Trial Attorney for Plaintiff  
Jefferson-Pilot Life Insurance Company

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